

Brief Description: Requiring safe drinking water in schools.

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ELECTRONIC TRANSMITTAL

AN ACT Relating to safe drinking water in schools; adding a new chapter to Title 70 RCW; prescribing penalties; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec. 1.** The legislature finds and declares that the provision of safe drinking water for Washington's school children is of great importance because young children are especially vulnerable to drinking water contaminants like lead, which can cause learning disabilities, decreased growth, hyperactivity, impaired hearing, and abnormal brain development. The legislature finds that although water delivered from the community's public water system must meet federal and state standards for lead and other contaminants, a school building may still have unacceptable drinking water contamination levels due to pipes, plumbing materials, and water use patterns within the school facility. The legislature finds that the best way to ensure that drinking water is safe in a particular school building is to test drinking and cooking water outlets such as taps, bubblers, and fountains, and to promptly correct problems where contaminant concentrations are found to exceed safe levels.

NEW SECTION. **Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the state board of health.

(2) "Department" means the department of health.

(3) "School" means common schools under RCW 28A.150.020 and approved private schools under chapter 28A.195 RCW.

(4) "Secretary" means the secretary of the department of health.

NEW SECTION. **Sec. 3.** (1) The board shall adopt, by rule, drinking water quality standards for lead, copper, cadmium, and corrosion within school facilities. The board may adopt, by rule, school drinking water quality standards for other contaminants if the board determines that:

(a) The presence of such contaminants is not due to insufficient implementation of public water system standards or corrosion treatment protocols; and (b) setting school drinking water standards for such contaminants is necessary to protect public health and safety.

(2) In adopting school drinking water standards, the board shall be guided by, but not limited to, the rules for controlling these contaminants in drinking water as contained in 40 C.F.R. Sec. 141 and EPA guidance promulgated thereunder. The standards shall provide reasonable margins of safety.

(3) The board shall adopt emergency rules establishing interim maximum contaminant levels and testing protocols by April 1, 2006. The board shall adopt final maximum contaminant level standards and protocols by April 1, 2007. The rules must include: (a) Drinking water testing protocols, which shall be consistent with analytical techniques and testing protocols specified by 40 C.F.R. Sec. 141, and EPA guidance promulgated thereunder; (b) deadlines for school districts to complete water quality testing; (c) requirements and deadlines for providing test results to the department; (d) requirements and deadlines for providing notice to students, parents, and school staff when test results exceed school water quality standards; (e) facility inspection protocols to ascertain causes of water quality problems; (f) protocols to guide school districts in planning and implementing actions to respond to the exceedances; and (g) requirements for monitoring and reporting to the department following implementation of corrective actions.

(4) Analysis of drinking water samples must be performed by a state accredited drinking water laboratory.

(5) The department shall adopt standards, consistent with applicable federal standards, for lead plumbing and solders, or other potential sources of lead contamination of drinking water.

(6) No local government may establish drinking water standards for schools that are less protective than the standards or methods established under this section.

NEW SECTION. **Sec. 4.** (1) It is the intent of this chapter that the exclusive responsibility for undertaking corrective actions to respond to exceedances of drinking water standards in schools remains with the governing entities of the school institutions, but to ensure that sufficient testing of drinking water is conducted to identify where such exceedances are occurring and that test results are widely accessible to parents, students, staff, and to local and state health departments. It is further the intent of this chapter that compliance enforcement by the state is unnecessary where full disclosure is provided. Therefore, it is the intent of this chapter not to provide additional corrective action authority to the board or the department, but to require a report by the department of the status of the testing and reporting program as required by subsection (2) of this section, and for the legislature to determine upon consideration of the report at that time whether the board or department should be granted additional corrective action enforcement authority.

(2) The department shall post on its web site the results of testing received under the standards established in section 3 of this act, as well as corrective action and monitoring reports provided. Each school or school district that maintains a web site shall also post such test results and reports.

(3) The department shall examine compliance with adopted standards and rules and provide a report to the appropriate committees of the legislature biennially, beginning December 1, 2007. In the report due December 1, 2011, the department shall report on the status of testing, disclosure of test results, and corrective actions taken at school facilities across the state. This report shall include any recommendations, in bill form, for legislation that would improve compliance with, or facilitate the enforcement or achievement of, school safe drinking water standards established under this chapter, including any needed compliance enforcement authority to be added to this chapter.

NEW SECTION. **Sec. 5.** Within available funds, the department shall provide technical assistance to school administrators in conducting water quality testing and corrective actions pursuant to this chapter.

The department and the board shall cooperate with local health jurisdictions in establishing the standards under section 3 of this act and in providing the technical assistance under this section.

NEW SECTION. **Sec. 6.** This chapter is supplemental to and does not replace or diminish the authority of the board or department granted by other laws to ensure the provision of safe drinking water within schools.

NEW SECTION. **Sec. 7.** This chapter does not apply to schools that are regulated as nontransient noncommunity systems under chapter 246-290 WAC.

NEW SECTION. **Sec. 8.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. **Sec. 9.** Sections 1 through 8 of this act constitute a new chapter in Title 70 RCW.